

69N

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUL 25 AM 10:14

UNITED STATES OF AMERICA,

Plaintiff,

v.

Efrain GONZALEZ-Estrada,

Defendant.

'08 MJ 2262

Magistrate Case No.

COMPLAINT FOR VIOLATION OF DEPUTY

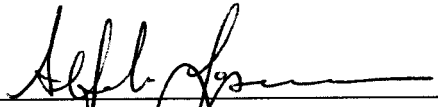
Title 8, U.S.C., Section 1326

Attempted Entry After

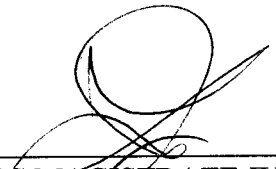
Deportation

The undersigned complainant being duly sworn states:

On or about **July 24, 2008**, within the Southern District of California, defendant **Efrain GONZALEZ-Estrada**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.


SIGNATURE OF COMPLAINANT
Alfredo Loperena, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **25th** DAY OF **July**,
2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On July 24, 2008 at approximately 11:10 AM, **Efrain GONZALEZ-Estrada (Defendant)** attempted to enter the United States from Mexico through the **San Ysidro Port of Entry** by eluding inspection. Defendant attempted to run north on foot through the bus lane. A Customs and Border Protection (CBP) Officer apprehended Defendant and escorted him to secondary for further inspection.

In secondary, Defendant's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS) revealing Defendant's true identity and linking him to Immigration service records. Queries through the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) reveal Defendant was ordered deported by an Immigration Judge on or about June 28, 1995 and was subsequently physically removed from the United States through the San Ysidro, California on June 29, 1995. DACS and CIS indicate Defendant was last physically removed from the United States through San Ysidro, California on or about January 6, 2007. Immigration service records contain no evidence Defendant has either applied for or received permission from the Attorney General or the Secretary of Homeland Security to legally reenter the United States.

Defendant was advised of his Miranda Rights and elected to waive his right to counsel. Defendant admitted he is a citizen of Mexico without legal documents to enter or reside in the United States. Defendant admitted he attempted to run through the bus lane in an attempt to enter the United States. Defendant stated he was first deported in 1994 and has not applied for permission to reenter the United States. Defendant stated he was going to Los Angeles, California to see his son.